

**ASSEMBLY BILL**

**No. 3014**

**Introduced by Assembly Member Nunez**

February 24, 2006

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An act to amend Section 4937 of the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 3014, as introduced, Nunez. Acupuncture: Asian massage.

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of acupuncturists by the Acupuncture Board. Existing law authorizes the holder of an acupuncturist's license to engage in the practice of acupuncture and various other forms of treatment, including Asian massage. Existing law specifies that the act does not prohibit a person who is not a licensed acupuncturist or licensed healing arts practitioner from performing or prescribing Asian massage.

This bill would define Asian massage for purposes of that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4937 of the Business and Professions
- 2 Code is amended to read:
- 3 4937. An acupuncturist's license authorizes the holder
- 4 thereof:
- 5 (a) To engage in the practice of acupuncture.
- 6 (b) To perform or prescribe the use of Asian massage,
- 7 acupressure, breathing techniques, exercise, heat, cold, magnets,

1 nutrition, diet, herbs, plant, animal, and mineral products, and  
2 dietary supplements to promote, maintain, and restore health.  
3 Nothing in this section prohibits any person who does not  
4 possess an acupuncturist's license or another license as a healing  
5 arts practitioner from performing, or prescribing the use of any  
6 modality listed in this subdivision.

7 (c) For purposes of this section, a "magnet" means a mineral  
8 or metal that produces a magnetic field without the application of  
9 an electric current.

10 (d) For purposes of this section, "plant, animal, and mineral  
11 products" means naturally occurring substances of plant, animal,  
12 or mineral origin, except that it does not include synthetic  
13 compounds, controlled substances or dangerous drugs as defined  
14 in Sections 4021 and 4022, or a controlled substance listed in  
15 Chapter 2 (commencing with Section 11053) of Division 10 of  
16 the Health and Safety Code.

17 (e) For purposes of this section, "dietary supplement" has the  
18 same meaning as defined in subsection (ff) of Section 321 of  
19 Title 21 of the United States Code, except that dietary  
20 supplement does not include controlled substances or dangerous  
21 drugs as defined in Section 4021 or 4022, or a controlled  
22 substance listed in Chapter 2 (commencing with Section 11053)  
23 of Division 10 of the Health and Safety Code.

24 (f) *For purposes of this section, "Asian massage" means the*  
25 *use of pressure techniques through massage and mobilization of*  
26 *the skin and muscle for the therapeutic objective of stimulation of*  
27 *proper body function. "Asian massage" also means myofascial*  
28 *release, as it relates to soft tissues but not joint tissues, as used in*  
29 *Western terms and treatment procedures.*